

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL MEMORANDUM**

**HB 1370 – SB 1434**

February 10, 2014

**SUMMARY OF ORIGINAL BILL:** Codifies a new procedure for issuing arrest warrants and criminal summons for misdemeanor and felony offenses.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

**SUMMARY OF AMENDMENT (012382):** Deletes all language after the enacting clause. Creates a presumption, rather than mandating, that a judge should not issue an arrest warrant to an affiant who is not a law enforcement officer. Provides criteria under which the presumption can be overcome.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Unchanged from the original fiscal note.**

Assumptions for the bill as amended:

- If an affiant is not a law enforcement officer and seeks a warrant for a misdemeanor offense, a presumption is created that the magistrate will not issue a criminal summons unless the presumption can be overcome. The presumption is overcome if the magistrate finds an arrest warrant is necessary to prevent immediate danger to a victim of domestic abuse, sexual assault or stalking.
- According to the Administrative Office of the Courts, any impact on the courts' caseloads can be accommodated within existing resources.
- According to the District Attorneys General Conference and the District Public Defenders Conference, the proposed legislation will not significantly impact their caseloads.
- According to local law enforcement agencies, the proposed legislation will not significantly impact their agencies.
- According to the Peace Officer Standards and Training (POST) Commission, any cost of training law enforcement officers on the new procedure can be accommodated within existing resources.

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**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

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